

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In Re:	: Bankruptcy No. 18-16779-ELF
Craig R. Fulton	: Chapter 13
Debtor	:
	:
First Guaranty Mortgage Corporation c/o	:
Rushmore Loan Management Services, LLC	:
Movant	:
vs.	:
	:
Craig R. Fulton and Erneyka Fulton (Non-	:
filing Co-Debtor)	:
Debtor/Respondent	:
	:
and	:
	:
William C. Miller, Esquire	:
Trustee/Respondent	:

**MOTION FOR RELIEF FROM AUTOMATIC STAY AND CO-DEBTOR STAY  
UNDER 11 U.S.C. § 362 AND §1301**

Movant, by its Attorneys, Hladik, Onorato & Federman, LLP, hereby requests a Termination of the Automatic Stay and leave to proceed with its State Court rights provided under the terms of the Mortgage.

1. Movant is First Guaranty Mortgage Corporation c/o Rushmore Loan Management Services, LLC (“Movant”).
2. Debtor, Craig R. Fulton (“Debtor”) and Erneyka Fulton (Non-filing Co-Debtor) are the owners of the premises located at 168 Sparks Street, Philidelphia, PA 19120 (the “Property”).
3. William C. Miller, Esquire is the Trustee appointed by the Court.
4. Debtor filed a Petition for Relief under Chapter 13 of the Bankruptcy Code on October 11, 2018.
5. Movant is the holder of a mortgage lien on the Property in the original principal amount of \$71,677.00, which was recorded on July 8, 2014 (the “Mortgage”). A true and correct copy of the Mortgage is attached hereto as Exhibit “A.”

6. The Mortgage was assigned to Movant by way of a written assignment of mortgage which was recorded on June 8, 2018. A true and correct copy of the assignment of mortgage is attached hereto as Exhibit "B."

7. Movant has not received the monthly post-petition Mortgage payments from June 01, 2020 in the amount of \$655.32 each; plus payments from July 01, 2020 through September 01, 2020 in the amount of \$663.52, as well as attorney fees and costs in the amount of \$1,031.00, for a total post-petition arrearage of \$3,676.88.

8. Movant has cause to have the Automatic Stay terminated, in order to permit Movant to complete foreclosure on its Mortgage.

**WHEREFORE**, Movant respectfully requests that this Court enter an Order:

- a. Modifying the Automatic Stay and Co-Debtor Stay under 11 U.S.C. § 362 and §1301 of the Bankruptcy Code with respect to the Property as to permit Movant to foreclose on its Mortgage and allow Movant or any other purchaser at Sheriff's Sale to take legal or consensual action for enforcement of its right to possession of, or title to; and
- b. Granting any other relief that this Court deems equitable and just.

Respectfully Submitted,

Date: 09/10/2020

/s / Bradley J. Osborne, Esquire  
Bradley J. Osborne, Esquire  
Hladik, Onorato & Federman, LLP  
Attorney I.D. # 312169  
298 Wissahickon Avenue  
North Wales, PA 19454  
Phone 215-855-9521  
Email: bosborne@hoflawgroup.com

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filing Co-Debtor)	:	
Debtor/Respondent	:	
	:	
and	:	
	:	
William C. Miller, Esquire	:	
Trustee/Respondent	:	

**ORDER**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 2020, upon the Motion of Movant, First Guaranty Mortgage Corporation c/o Rushmore Loan Management Services, LLC, it is hereby:

ORDERED THAT: the Motion is granted, and the Automatic Stay and Co-Debtor Stay of all proceedings, as provided under 11 U.S.C. § 362 and § 1301 of the Bankruptcy Code is modified and lifted with respect to the premises, 168 Sparks Street, Philadelphia, PA 19120.

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Honorable Eric L. Frank  
United States Bankruptcy Judge

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	:	
and	:	
	:	
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**CERTIFICATION OF SERVICE OF MOTION,  
RESPONSE DEADLINE AND HEARING DATE**

I, Bradley J. Osborne, Esq., attorney for Movant, First Guaranty Mortgage Corporation c/o Rushmore Loan Management Services, LLC, hereby certify that I served a true and correct copy of the Motion for Relief from Automatic Stay and Notice of Motion, Response Deadline and Hearing Date, by United States Mail, first class, postage prepaid, or Electronic Mail on **09/10/2020** upon the following:

Brad J. Sadek, Esquire  
Via ECF  
*Attorney for Debtor*

William C. Miller, Esquire  
Via ECF  
*Trustee*

Craig R. Fulton  
Erneyka Fulton  
168 Sparks Street  
Philadelphia, PA 19120  
Via First Class Mail  
*Debtor and Non-Filing Co-Debtor*

Date: 09/10/2020

/s / Bradley J. Osborne, Esquire  
Bradley J. Osborne, Esquire  
Hladik, Onorato & Federman, LLP  
Attorney I.D. # 312169  
298 Wissahickon Avenue  
North Wales, PA 19454  
Phone 215-855-9521  
Email: bosborne@hoflawgroup.com

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Debtor/Respondent	:	
	:	
and	:	
	:	
William C. Miller, Esquire	:	
Trustee/Respondent	:	

**AMENDED NOTICE OF MOTION, RESPONSE  
DEADLINE AND HEARING DATE**

First Guaranty Mortgage Corporation c/o Rushmore Loan Management Services, LLC has filed with the US Bankruptcy Court a Motion for Relief from Stay regarding its rights it has under the mortgage or with respect to the property located at: 168 Sparks Street, Philadelphia, PA 19120.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult with an attorney.)**

1. If you do not want the Court to grant the relief sought in the motion or if you want the court to consider your views on the motion, then on or before **09/24/2020** you or your attorney must do all of the following things:

(a) **FILE AN ANSWER** explaining your position at:

United States Bankruptcy Court  
Robert N.C. Nix Building  
900 Market Street, Suite 400  
Philadelphia, PA 19107-4299

If you mail your answer to the Bankruptcy Court Clerk's Office for filing, you must mail is early enough so that it will be received on or before the date stated above; **and**

(b) **MAIL A COPY** of the documents to the Movant's attorney:

Bradley J. Osborne, Esq.  
Hladik, Onorato & Federman, LLP  
298 Wissahickon Avenue  
North Wales, PA 19454  
Phone 215-855-9521  
Fax 215-855-9121  
Email: bosborne@hoflawgroup.com

2. If you or your attorney do not take these steps described in paragraphs 1(a) and 1(b) above and attend the hearing, the court may enter an order granting the relief requested in the motion.

3. A **HEARING ON THE MOTION** is scheduled to be held before the Hon. Eric AL. Frank on **10/06/2020** at **09:30 AM** in Courtroom No. **#1** United States Bankruptcy Court, Robert N.C. Nix Federal Building, 900 Market Street, 2nd Floor, Philadelphia, PA 19107.

4. If a copy of the Motion is not enclosed, a copy of the motion will be provided to you if you request a copy from the attorney named in paragraph 1(b).

5. You may contact the Bankruptcy Court Clerk's office at (215) 408-2800 to find out whether the hearing has been canceled because no one filed an answer.